



LEVITT LAW
A PROFESSIONAL CORPORATION

FEB 15 2017

February 10, 2017

**WM Collection Recycling, Inc.,
District Manager: Sharon Davis
13793 Redwood Street
Chino, CA 91710**

**Regional Water Quality Control Board
Michael Roth
3737 Main Street Suite 500
Riverside, CA 92501**

**Waste Management Inland Empire District,
Moreno Valley Facility
MRF Supervisor
17700 Indian Street Moreno Valley, CA
92551**

**Golder Associates Inc.,
Project Engineer: Ed Childers, P.E.
1000 Enterprise Way
Roseville, CA 95678**

**Catherine McCabe
Administrator
U.S. Environmental Protection Agency
Mail Code: 1101A
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**Kurt V. Berchtold, Executive Officer
Regional Water Quality Control Board
Santa Ana Region
3737 Main Street, Suite 500
Riverside, CA 92501-3348**

**Alexis Strauss
Regional Administrator
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105**

**Thomas Howard
Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814**

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

To Whom It May Concern:

Levitt Law, APC ("Levitt Law") represents Our Clean Waters ("OCW"), a non-profit corporation organized under the laws of the State of California. This letter is to give notice that Levitt Law, on behalf of OCW, intends to file a civil action against Waste Management Collection and Recycling, Inc., and its Inland Empire District, Moreno Valley Transfer (MVT) facility (the "Facility") for violations of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* ("Clean Water Act" or "CWA") at Waste Management Inland Empire District, Moreno Valley Facility located at 17700 Indian Street Moreno Valley, CA 92551.

OCW is concerned with the environmental health of the Canyon Lake (Railroad Canyon Reservoir), on behalf of the public that uses and enjoys said Water Bodies, its inflows, outflows, and other waters of the Affected Watershed. The public's use and enjoyment of these waters is negatively affected by the pollution caused by Waste Management Inland Empire District, Moreno Valley Facility operations. Additionally, OCW acts in the interest of the general public to prevent pollution in these waterways, for the benefit of their ecosystems, and for the benefits of all individuals and communities who use these waterways.

This letter addresses Waste Management Inland Empire District, Moreno Valley Facility unlawful discharge of pollutants from the Facility via an indirect method into the Canyon Lake (Railroad Canyon Reservoir). Specifically, investigation of the Facility has uncovered significant, ongoing, and continuous violations of the CWA and the National Pollutant Discharge Elimination System ("NPDES") Industrial General Permit No CAS000001 (State Water Resources Control Board) Water Quality Orders No. 2014-0057-DWQ ("Industrial General Permit") and 92-12-DWQ (as amended by Order No. 97-03-DWQ) ("Previous Industrial General Permit").¹

CWA section 505(b) requires that sixty (60) days prior to the initiation of a civil action under CWA section 505(a), notice must be given to file suit. 33 U.S.C. § 1365(b). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA"), and the State in which the violations occur. As required by section 505(b), this Notice of Violation and Intent to File Suit provides notice to Waste Management Inland Empire District, Moreno Valley Facility of the violations that have occurred and which continue to occur at the Facility. After the expiration of sixty (60) days from the date of this Notice of Violation and the Intent to File Suit, OCW intends to file suit in federal court against Waste Management Inland Empire District, Moreno Valley Facility under CWA section 505(a) for the violations described more fully below.

During the 60-day notice period, OCW is willing to discuss effective remedies for the violations noticed in this letter. We suggest that Waste Management Inland Empire District, Moreno Valley Facility contact OCW's attorneys at Levitt Law within the next twenty (20) days so these discussions may be completed by the conclusion of the 60-day notice period. Please note that we do not intend to delay the filing of a complaint in federal court, and service of the complaint shortly thereafter, even if discussions are continuing when the notice period ends. Implementation of curative measures and the absolute stopping of all violations would have to occur to delay such court filing.

I. THE LOCATION OF THE ALLEGED VIOLATIONS

A. The Facility

The facility is located in the City of Moreno Valley, an inland city located in the Inland Empire, which is a metropolitan area within Riverside-San Bernardino-Ontario. The facility is located at 17700 Indian Street, Moreno Valley, in the County of Riverside, California, 92551. The facility occupies two parcels (Assessor's Parcel Numbers 316-210-080 and 316-210-078) totaling approximately 25 acres.

¹ On April 1, 2014, the State Water Resources Control Board adopted an updated NPDES General Permit for Discharges Associated with Industrial Activity, Water Quality Order No. 2014-57-DWQ, which has taken force or effect on its effective date of July 1, 2015. As of the effective date, Water Quality Order No. 2014-57-DWQ has superseded and rescinded the prior Industrial General Permit except for purposes of enforcement actions brought pursuant to the prior permit.

The facility is categorized under Standard Industrial Classification (SIC) code 5093 (Source Separated), Scrap and Waste Materials (primary SIC code), 4212, Local Trucking Without Storage (secondary SIC code), and 4214, Local Trucking With Storage (tertiary SIC code). The facility is a hauling, transfer, recycling, and a MRF operated by Waste Management Inland Empire District. Waste Management Inland Empire District uses the facility primarily for MSW, recyclables, and green waste transfer operations, collection vehicle and equipment maintenance operations, collection vehicle and equipment washing, bin and container storage, recyclables storage, equipment storage, collection vehicle parking, vehicle fueling, employee parking, and administrative activities. The facility receives MSW and recyclables from the public and from roll-off trucks and collection vehicles from the service areas. Recyclable materials, wood goods, and green waste are unloaded outside and not under cover and are exposed to stormwater. Recyclable materials are unloaded on the northeastern portion of the facility on the unpaved surface. Leaks of residual liquids from containers outside the covered area may also be exposed to stormwater. Oil and fluid leaks from collection vehicles could also be exposed to stormwater. Possible pollutants from the Facility include: Total suspended solids ("TSS"), oil and grease ("O&G"), Iron ("Fe") and other pollutants. The facility discharges to the receiving water, Canyon Lake (Railroad Canyon Reservoir), indirectly via the municipal separate sewer system and a large municipal culvert in Grove View Road.

B. The Affected Water

The Canyon Lake (Railroad Canyon Reservoir) are waters of the United States. The CWA requires that water bodies such as the Canyon Lake (Railroad Canyon Reservoir) meet water quality objectives that protect specific "beneficial uses." The beneficial uses of the Canyon Lake (Railroad Canyon Reservoir) include estuarine habitat, fish migration, navigation, preservation of rare and endangered species, water contact and non-contact recreation, shellfish harvesting, fish spawning, and wildlife habitat. Contaminated stormwater from the Facility adversely affects the water quality of the Canyon Lake (Railroad Canyon Reservoir) and the overall Affected Watershed, and threatens the beneficial uses and ecosystems of the Canyon Lake (Railroad Canyon Reservoir), which includes habitats for threatened or endangered species.

II. THE FACILITY'S VIOLATIONS OF THE CLEAN WATER ACT

It is unlawful to discharge pollutants to waters of the United States, such as the Canyon Lake (Railroad Canyon Reservoir). Further, without an NPDES permit or in violation of the terms and conditions of an NPDES permit, CWA § 301(a), 33 U.S.C. § 1311(a); *see also* CWA § 402(p), 33 U.S.C. § 1342(p) (requiring NPDES permit issuance for the discharge of stormwater associated with industrial activities) it is also unlawful to cause or let such contamination occur. The Industrial General Permit authorizes certain discharges of stormwater, conditioned on compliance with its terms.

Waste Management Inland Empire District, Moreno Valley Facility has submitted a Notice of Intent ("NOI") to be authorized to discharge stormwater from the Facility under the Industrial General Permit since at least 2012. However, information available to OCW indicates that stormwater discharges from the Facility have violated the terms of the Industrial General Permit, and has been, and continues to violate the CWA. Apart from discharges that comply with the Industrial General Permit, the Facility lacks NPDES permit authorization for any other discharges of pollutants into waters of the United States.

A. Discharges in Excess of BAT/BCT Levels

The Effluent Limitations of the Industrial General Permit prohibit the discharge of pollutants from the Facility in concentrations above the level commensurate with the application of best available technology economically achievable ("BAT") for toxic pollutants² and best conventional pollutant control technology ("BCT") for conventional pollutants.³ Industrial General Permit, Section I (D) (32), II (D) (2); Previous Industrial General Permit Order, Part B (3). The EPA has published Numeric Action Level (NAL) values in the current Industrial General Permit (also known as Benchmark values in the Previous Industrial General Permit) set at the maximum pollutant concentration present if an industrial Facility is employing BAT and BCT, listed in this Notice.⁴ Additionally, the Previous Industrial General Permit notes that effluent limitation guidelines for several named industrial categories have been established and codified by the Federal Government. See Previous Industrial General Permit, Section VIII. The Previous Industrial General Permit mandates that for facilities that fall within such industrial categories, compliance with the listed BAT and BCT for the specified pollutant parameters listed therein must be met in order to be in compliance with the Previous Industrial General Permit. *Id.* Waste Management Inland Empire District, Moreno Valley Facility falls within these named industrial categories and it must have complied with the effluent limitations found therein in order to have been in compliance with the Previous Industrial General Permit during its effective period. Based on Waste Management Inland Empire District, Moreno Valley Facility ' self-reporting data and/or lack thereof, Waste Management Inland Empire District, Moreno Valley Facility has not met this requirement and was in violation of the Previous Stormwater Permit over a period of at least three (3) years. Discharge data is listed at the end of this Notice.

Waste Management Inland Empire District, Moreno Valley Facility ' self-reporting of industrial stormwater discharges shows a pattern of exceedances of Benchmarks and NAL values, especially as it pertains to the parameters in Iron. This pattern of exceedances of Benchmarks and NAL values indicate that Waste Management Inland Empire District, Moreno Valley Facility has failed and is failing to employ measures that constitute BAT and BCT in violation of the requirements of the Industrial General Permit and Previous Industrial General Permit.

OCW alleges and notifies Waste Management Inland Empire District, Moreno Valley Facility that its stormwater discharges from the Facility have consistently contained and continue to contain levels of pollutants that exceed Benchmark Values for Iron. Waste Management Inland Empire District, Moreno Valley Facility ongoing discharges of storm water containing levels of pollutants above EPA Benchmark values, and BAT and BCT based levels of control, also demonstrate that Waste Management Inland Empire District, Moreno Valley Facility has not developed and implemented sufficient Best Management Practices ("BMPs") at the Facility. Proper BMPs could include, but are not limited to, moving certain pollution-generating activities under cover or indoors, capturing and effectively filtering or otherwise treating all stormwater prior to discharge, frequent sweeping to reduce build-up of pollutants on-site, installing filters on downspouts and storm drains, and other similar measures.

² BAT is defined at 40 C.F.R. § 437.1 et seq. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

³ BCT is defined at 40 C.F.R. § 437.1 et seq. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, O&G, and pH.

⁴ The Benchmark values are part of the EPA's Multi-Sector General Permit ("MSGP"). See 73 Fed. Reg. 56,572 (Sept. 29, 2008) (Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges From Industrial Activities).

Waste Management Inland Empire District, Moreno Valley Facility's failure to develop and/or implement adequate pollution controls to meet BAT and BCT at the Facility violates and will continue to violate the CWA and the Industrial General Permit each and every day Waste Management Inland Empire District, Moreno Valley Facility discharges without meeting BAT/BCT. OCW alleges that Waste Management Inland Empire District, Moreno Valley Facility has discharged stormwater containing excessive levels of pollutants from the Facility to the Canyon Lake (Railroad Canyon Reservoir) during significant local rain events over 0.2 inches in the last three (3) years. Every significant rain event that has occurred in the last three (3) years represents a discharge of polluted stormwater run-off into the Canyon Lake (Railroad Canyon Reservoir). Waste Management Inland Empire District, Moreno Valley Facility is subject to civil penalties for each violation of the Industrial General Permit and the CWA within the past three (3) years.

B. Discharges Impairing Receiving Waters

The CWA, and Industrial General Permit's Discharge Prohibitions disallow stormwater discharges that cause or threaten to cause pollution, contamination, or nuisance. See Industrial General Permit, Section III; Previous Industrial General Permit Order, Part A (2). The Industrial General Permit also prohibits stormwater discharges to surface or groundwater that adversely impact human health or the environment. See Industrial General Permit, Section VI (b-c); Previous Industrial General Permit Order, Part C (1). Receiving Water Limitations of the Industrial General Permit prohibit stormwater discharges that cause or contribute to an exceedance of applicable Water Quality Standards ("WQS") contained in a Statewide Water Quality Control Plan or the applicable Regional Water Board's Basin Plan. See Industrial General Permit, Section VI (a); Previous Industrial General Permit Order, Part C (2). Applicable WQS are set forth in the California Toxic Rule ("CTR")⁵ and Chapter 3 of the Santa Ana Region (Region 8) Water Quality Control Plan (the "Basin Plan").⁶ Exceedances of WQS are violations of the Industrial General Permit, the CTR, and the Basin Plan.

The Basin Plan establishes WQS for all Inland Surface Waters, including the Affected Water Body Watershed, which contain, but are not limited, to the following:

- ☐ Waters shall not contain suspended or settleable material in concentrations that cause nuisance or adversely affect beneficial users.
- ☐ Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases in natural turbidity attributable to controllable water quality factors shall not exceed 20% where natural turbidity is between 0 and 50 nephelometric turbidity units ("NTU"), and shall not exceed 10% where the natural turbidity is greater than 50 NTU.
- ☐ All waters shall be maintained free of toxic substances in concentrations that are toxic to, or that produce detrimental physiological responses in, human, plant, animal, or aquatic life.

⁵ The CTR is set forth at 40 C.F.R. § 131.38 and is explained in the Federal Register preamble accompanying the CTR promulgation set forth at 65 Fed. Reg. 31,682 (May 18, 2000).

⁶ The Basin Plan is published by the Santa Ana Regional Water Quality Control Board and can be accessed at <http://www.waterboards.ca.gov>.

☞ Surface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use.

OCW alleges that Waste Management Inland Empire District, Moreno Valley Facility stormwater discharges have caused or contributed to exceedances of Receiving Water Limitations in the Industrial General Permit and the WQS set forth in the Basin Plan and CTR, and is clearly in violation of the CWA. These allegations are based on Waste Management Inland Empire District, Moreno Valley Facility self-reported data submitted to the Santa Ana Regional Water Quality Control Board. These sampling results indicate that Waste Management Inland Empire District, Moreno Valley Facility discharges are causing or threatening to cause pollution, contamination, and/or nuisance; adversely impacting human health or the environment; and violating applicable WQS. For example, Waste Management Inland Empire District, Moreno Valley Facility sampling results indicate exceedances of Iron and TSS.

OCW alleges that each day that Waste Management Inland Empire District, Moreno Valley Facility has discharged stormwater from the Facility, Waste Management's stormwater has contained levels of pollutants that exceeded one or more of the Receiving Water Limitations and/or applicable WQS in the Canyon Lake (Railroad Canyon Reservoir) and the Affected Watershed. OCW alleges that Waste Management Inland Empire District, Moreno Valley Facility has discharged stormwater exceeding Receiving Water Limitations and/or WQS from the Facility to the Canyon Lake (Railroad Canyon Reservoir) and the Pacific Ocean and the Affected Watershed during significant local rain events over 0.2 inches in the last three (3) years. Each discharge from the Facility that violates a Receiving Water Limitation or has caused or contributed, or causes or contributes, to an exceedance of an applicable WQS constitutes a separate violation of the Industrial General Permit and the CWA. Waste Management Inland Empire District, Moreno Valley Facility is subject to penalties for each violation of the Industrial General Permit and the CWA within the past three (3) years.

C. Failure to Develop and Implement an Adequate Stormwater Pollution Prevention Plan

The Industrial General Permit requires dischargers to develop and implement an adequate Storm Water Pollution Prevention Plan ("SWPPP"). See Industrial General Permit, Section X (B); Previous Industrial General Permit, Part A (I) (a). The Industrial General Permit also requires dischargers to make all necessary revisions to the existing SWPPP promptly. See Industrial General Permit, Section X (B); Previous Industrial General Permit Order, Part E (2). The SWPPP must include, among other requirements, the following: a site map, a list of significant materials handled and stored at the site, a description and assessment of all Waste Management Inland Empire District, Moreno Valley Facility pollutant sources, a description of the BMPs that will reduce or prevent pollutants in stormwater discharges, specification of BMPs designed to reduce pollutant discharge to BAT and BCT levels, a comprehensive site compliance evaluation completed each reporting year, and revisions to the SWPPP within 90 days after a Facility manager determines that the SWPPP is in violation of any requirements of the Industrial General Permit. See Industrial General Permit, Section X (A); Previous Industrial General Permit, Part A.

Based on information available to OCW, Waste Management Inland Empire District, Moreno Valley Facility has failed to prepare and/or implement an adequate SWPPP and/or failed to revise the SWPPP to satisfy each of the requirements stated in Section X (A) of the Industrial General Permit and/or the corresponding Section of the Previous Industrial General Permit. For

Example, Waste Management Inland Empire District, Moreno Valley Facility SWPPP does not include and/or Waste Management Inland Empire District, Moreno Valley Facility has not implemented adequate BMPs designed to reduce pollutant levels in discharges to BAT and BCT levels in accordance with Section A (8) of the Industrial General Permit as evidenced by the data in Attachment 3. Accordingly, Waste Management Inland Empire District, Moreno Valley Facility has violated the CWA each and every day that it has failed to develop and/or implement an adequate SWPPP meeting all of the requirements of Section X (A) of the Industrial General Permit and/or the corresponding Section of the Previous Industrial General Permit, and Waste Management Inland Empire District, Moreno Valley Facility will continue to be in violation every day until it develops and implements an adequate SWPPP. Waste Management Inland Empire District, Moreno Valley Facility is subject to penalties for each violation of the Industrial General Permit and the CWA occurring within the past three (3) years.

D. Failure to Develop and Implement an Adequate Monitoring and Reporting Program and to Perform Annual Comprehensive Site Compliance Evaluations

The Industrial Stormwater Permit requires Facility operators to develop and implement a Monitoring Implementation Program ("MIP"). See Industrial General Permit, Section XI; Previous Industrial General Permit, Section B (I) and Order, Part E (3). The Industrial General Permit requires that the MIP ensures that the Facility's stormwater discharges comply with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations specified in the Industrial General Permit. *Id.* Facility operators must ensure that their MIP practices reduce or prevent pollutants in stormwater and authorized non-stormwater discharges as well as evaluate and revise their practices to meet changing conditions at the Facility. *Id.* This may include revising the SWPPP as required by Section X (A) of the Industrial General Permit and/or the corresponding Section of the Previous Industrial General Permit.

The MIP must measure the effectiveness of BMPs used to prevent or reduce pollutants in stormwater and authorized non-stormwater discharges, and Facility operators must revise the MIP whenever appropriate. See Industrial General Permit, Section XI; Previous Industrial General Permit, Section B. The Industrial General Permit requires Facility operators to visually observe and collect samples of stormwater discharges from all drainage areas. *Id.* Facility operators are also required to provide an explanation of monitoring methods describing how the Facility's monitoring program will satisfy these objectives. *Id.*

Waste Management Inland Empire District, Moreno Valley Facility has been operating the Facility with an inadequately developed and/or inadequately implemented MIP, in violation of the substantive and procedural requirements set forth in Section B of the Industrial General Permit. For example, the data in Attachment 3 indicates that Waste Management Inland Empire District, Moreno Valley Facility monitoring program has not ensured that stormwater discharges are in compliance with the Discharge Prohibitions, Effluent Limitations, and Receiving Water Limitations of the Industrial General Permit as required by the Industrial General Permit, Section XI and/or the Previous Industrial General Permit, Section B. The monitoring has not resulted in practices at the Facility that adequately reduce or prevent pollutants in stormwater as required by the Industrial General Permit, Section XI and/or the Previous Industrial General Permit, Section B. Similarly, the data in Attachment 3 indicates that Waste Management Inland Empire District, Moreno Valley Facility monitoring program has not effectively identified or responded to compliance problems at the Facility or resulted in effective revision of the BMPs in use or the

Facility's SWPPP to address such ongoing problems as required by Industrial General Permit, Section XI and/or the Previous Industrial General Permit, Section B.

As a result of Waste Management Inland Empire District, Moreno Valley Facility failure to adequately develop and/or implement an adequate MIP at the Facility, Waste Management Inland Empire District, Moreno Valley Facility has been in daily and continuous violation of the Industrial stormwater Permit and the CWA each and every day for the past three (3) years. These violations are ongoing. Waste Management Inland Empire District, Moreno Valley Facility will continue to be in violation of the monitoring and reporting requirement each day that Waste Management Inland Empire District, Moreno Valley Facility fails to adequately develop and/or implement an effective MIP at the Facility. Waste Management Inland Empire District, Moreno Valley Facility is subject to penalties for each violation of the Industrial General Permit and the CWA occurring for the last three (3) years.

E. Unpermitted Discharges

Section 301(a) of the CWA prohibits the discharge of any pollutant into waters of the United States unless the discharge is authorized by an NPDES Permit issued pursuant to Section 402 of the CWA. See 33 U.S.C. § 1311 (a), 1342. Waste Management Inland Empire District, Moreno Valley Facility sought coverage for the Facility under the Industrial General Permit, which states that any discharge from an industrial Facility not in compliance with the Industrial General Permit must be either eliminated or permitted by a separate NPDES permit. Industrial General Permit, Section III; Previous Industrial General Permit Order, Part A (1). Because Waste Management Inland Empire District, Moreno Valley Facility has not obtained coverage under a separate NPDES permit and has failed to eliminate discharges not permitted by the Industrial General Permit, each and every discharge from the Facility described herein, not in compliance with the Industrial General Permit, has constituted and will continue to constitute a discharge without CWA Permit coverage in violation of section 301 (a) of the CWA, 33 U.S.C. § 131 I(a).

III. PERSON RESPONSIBLE FOR THE VIOLATIONS

Waste Management Inland Empire District, Moreno Valley Facility is responsible of the violations at the Facility located 17700 Indian Street Moreno Valley, CA 92551.

IV. NAME AND ADDRESS OF NOTICING PARTY

OUR CLEAN WATERS

Laura Meldere, Executive Director
9465 Wilshire Blvd., Suite 300
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info@ourcleanwaters.com

V. LEGAL COUNSEL

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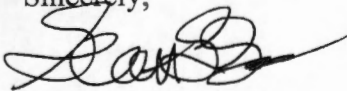
T: (562) 493-7548
F: (562) 493-7562

VI. REMEDIES

As stated previously, OCW intends, at the close of the 60-day notice period or thereafter, to file suit under CWA section 505(a) against Waste Management Inland Empire District, Moreno Valley Facility for the above-referenced violations. OCW will seek declaratory and injunctive relief to prevent further CWA violations pursuant to CWA sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), and such other relief as permitted by law. In addition, OCW will seek civil penalties pursuant to CWA section 309(d), 33 U.S.C. § 1319(d), and 40 C.F.R. § 19.4, against Waste Management Inland Empire District, Moreno Valley Facility in this action. **The CWA imposes civil penalty liability of up to \$37,500 per day, per violation for violations occurring after January 12, 2009, plus attorneys' fees and costs (33 U.S.C. § 1319(d); 40 C.F.R. § 19.4).** Just going back a period of three years, if your operations is seven days per week, the amount would be, no less than \$41,062,000.00. OCW will seek to recover such penalties, restitution, attorneys' fees, experts' fees, and costs in accordance with CWA section 505(d), 33 U.S.C. § 1365(d). It should be noted that the statute of limitations is five years for citizen enforcement actions brought pursuant to the federal Clean Water Act, bring potential liabilities from October 2011, to the present. Furthermore, actions are allowable under prior expired permits within the five-year period.

As noted above, OCW and its Counsel are willing to meet with you during the 60-day notice period to discuss effective remedies for the violations noted in this letter. Please contact me to initiate these discussions. We understand Waste Management Inland Empire District, Moreno Valley Facility has implemented certain plans in attempt to remediate such CWA violations, however, it is abundantly clear that such plans and measures are grossly inadequate and have failed.

Sincerely,



Scott L. Levitt, Esq.

This aerial photograph shows a large industrial or construction site. The site is divided into several sections, with various structures, roads, and parking lots. A compass rose is visible in the top left corner. The following labels and markers are present:

- DISCHARGE POINT 1**: Located on the left side of the image, near the bottom.
- DISCHARGE POINT 2**: Located on the left side of the image, near the bottom.
- GROVE VIEW RD.**: Located at the top of the image.
- Markers 1-36**: Numbered markers are placed throughout the site, indicating specific locations or features.

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|---|---|---|-------------------------------|
|  | STORMWATER DISCHARGE POINT |  | DRAINAGE INLET |
|  | PROPERTY BOUNDARY |  | OIL/WATER SEPARATOR (CLAMPER) |
|  | DRAINAGE AREA BOUNDARY |  | SILL KIT |
|  | SURFACE WATER FLOW DIRECTION |  | FENCE |
|  | RUN-OFF FLOW DIRECTION |  | CONCRETE WALL |
|  | SLOPE FLOW DIRECTION |  | CONCRETE CURB (4" MIN.) |
|  | STORMWATER PIPE AND FLOW OBSTRUCTION |  | STRIP DRAIN |
|  | REVERSE PIPE FLOW DIRECTION |  | UNPAVED AREA |
|  | CONCRETE V-DITCH | | |
|  | STORM DRAIN WITH DRAIN INLET PROTECTION | | |
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|----|--------------------------------|----|------------------------------------|
| 1 | SOILS | 28 | TILES / APPLIANCES |
| 2 | ORIGIN | 29 | TRUCK/MACHINE |
| 3 | RIP AREA | 30 | SCUM |
| 4 | WASH TRIPPING AREA | 31 | OIL/WATER SEPARATOR (CLAMPER) |
| 5 | TRUCKING STATION | 32 | 4"Z SLOTTED GRATE |
| 6 | WASH LOADING PIT | 33 | CATCH-BASIN TO OIL/WATER SEPARATOR |
| 7 | RECYCLABLES LOADING PIT | 34 | PIPE TRIPPER (PUMP) |
| 8 | GREEN WASTE | 35 | TRUCKING STATION |
| 9 | USED PAINT BOTS | 36 | WOOD WASTE, WHITE GOODS |
| 10 | PAINT STORAGE AREA | 37 | TOYOTA STAGING AREA |
| 11 | DEMOLITION STATION / BIRD-SHED | 38 | APG UNIT |
| 12 | TRUCK CLEAN-OUT AREA | 39 | PAILED CRACKED CONTAINERS |
| 13 | PAINT PALE | 40 | STORAGE CONTAINERS |
| 14 | VEHICLE MAINTENANCE BUILDING | 41 | PAILED (BROKEN) GAS TANKS |
| | VEHICLE MAINTENANCE BUILDING | 42 | BULK STORAGE |
| | VEHICLE MAINTENANCE BUILDING | 43 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 44 | PAILED (BROKEN) (CLASH-BA.) |
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| | VEHICLE MAINTENANCE BUILDING | 69 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 70 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 71 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 72 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 73 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 74 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 75 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 76 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 77 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 78 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 79 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 80 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 81 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 82 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 83 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 84 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 85 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 86 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 87 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING | 88 | PAILED (BROKEN) (CLASH-BA.) |
| | VEHICLE MAINTENANCE BUILDING</ | | |

Site Map # 2



Site Map # 3



ATTACHMENT 1: U.S. EPA Benchmarks of Acceptable Levels

Parameter Name	EPA Benchmark: Acceptable Range
pH	6 to 9
Total Suspended Solids	Below 100 mg/L
Specific Conductance	Below 200 umhos/cm
TOC	Below 100mg/L
Aluminum	Below 0.75 mg/L
Zinc	Below .117 mg/L
Iron	Below 1.0 mg/L
Copper	Below 0.0636 mg/L
Lead	Below 0.0816 mg/L
COD	Below 120 mg/L
Nitrogen Ammonia	Below 19 mg/L
Nitrate + Nitrite Total	Below .68 mg/L
BOD	Below 30 mg/L

ATTACHMENT 2: Industrial General Permit - Parameter NAL Values

TABLE 2: Parameter NAL Values, Test Methods, and Reporting Units

PARAMETER	TEST METHOD	REPORTING UNITS	ANNUAL NAL	INSTANTANEOUS MAXIMUM NAL
pH*	See Section XI.C.2	pH units	N/A	Less than 8.0 Greater than 9.0
Suspended Solids (TSS)*, Total	SM 2540-D	mg/L	100	400
Oil & Grease (O&G)*, Total	EPA 1664A	mg/L	15	25
Zinc, Total (H)	EPA 200.8	mg/L	0.26**	
Copper, Total (H)	EPA 200.8	mg/L	0.0332**	
Cyanide, Total	SM 4500-CN C, D, or E	mg/L	0.022	
Lead, Total (H)	EPA 200.8	mg/L	0.262**	
Chemical Oxygen Demand (COD)	SM 5220C	mg/L	120	
Aluminum, Total	EPA 200.8	mg/L	0.75	
Iron, Total	EPA 200.7	mg/L	1.0	
Nitrate + Nitrite Nitrogen	SM 4500-NO3- E	mg/L as N	0.68	
Total Phosphorus	SM 4500-P B+E	mg/L as P	2.0	
Ammonia (as N)	SM 4500-NH3 B+ C or E	mg/L	2.14	
Magnesium, total	EPA 200.7	mg/L	0.064	
Arsenic, Total (c)	EPA 200.8	mg/L	0.15	
Cadmium, Total (H)	EPA 200.8	mg/L	0.0053**	
Nickel, Total (H)	EPA 200.8	mg/L	1.02**	
Mercury, Total	EPA 245.1	mg/L	0.0014	
Selenium, Total	EPA 200.8	mg/L	0.005	
Silver, Total (H)	EPA 200.8	mg/L	0.0183**	
Biochemical Oxygen Demand (BOD)	SM 5210B	mg/L	30	

SM – Standard Methods for the Examination of Water and Wastewater, 18th edition

EPA – U.S. EPA test methods

(H) – Hardness dependent

* Minimum parameters required by this General Permit

**The NAL is the highest value used by U.S. EPA based on their hardness table in the 2008 MSGP.

ATTACHMENT 3: Table of Exceedances for GI (Page 1 of 2)

GI's ANNUAL ANAL OF PARAMETERS	
Iron	1 mg/L
Total Suspended Solids (TSS)	Below 100mg/L
Specific Conductance	Below 200umhos/cm
Oil and Grease	15mg/L
Zinc	0.26mg/L

Date	GI's Parameters Tested	
12/13/12	Iron	19
		AVG: 19mg/L
	Total Suspended Solids (TSS)	600
		AVG: 600mg/L
	Oil and Grease	71
		AVG: 71mg/L
1/24/13	Specific Conductance	420
	Iron	12
		AVG: 14.86mg/L
	TSS	440
		AVG: 440mg/L
12/12/14	Specific Conductance	430
		AVG: 430umhos/cm
	Oil and Grease	34
		AVG: 34mg/L
	Iron	19
		AVG: 19mg/L
1/05/16	TSS	600
		AVG: 600mh/L
	Oil and Grease	71
		AVG: 71mg/L
	Specific Conductance	420
		AVG: 420mg/L
1/05/16	TSS	320
		AVG: 320mg/L
	Oil and Grease	9.1
		AVG: 9.1mg/L

ATTACHMENT 3 CONTD.: Average Annual Exceedances for GI (Page 2 of 2)

Average NAL Exceedances From 2012 Report	
TSS	110mg/L
Iron	4.4mg/L
Oil and Grease	17mg/L

Average NAL Exceedances From 2016 Report	
TSS	320mg/L
Oil and	9.1mg/L

Average NAL Exceedances From 2013 Report	
TSS	440mg/L
Iron	12mg/L
Oil and Grease	34mg/L

Average NAL Exceedances From 2014 Report	
TSS	600mg/L
Iron	19mg/L
Oil and Grease	71mg/L
Specific Conductance	420umhos/cm